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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,092	02/10/2004	Daniel A. Fratello	1013/US/2	2361

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DORSEY & WHITNEY, LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
370 SEVENTEENTH STREET  
SUITE 4700  
DENVER, CO 80202-5647

EXAMINER
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STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/776,092

Applicant(s)

FRATELLO ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-56 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7, drawn to vehicle washing system, classified in class 134, subclass 123.
  - II. Claims 8-10, drawn to a method of operating a vehicle washing system, classified in class 134, subclass 34.
  - III. Claims 11-15, drawn to a vehicle washing system, classified in class 134, subclass 123.
  - IV. Claims 16-21, drawn to a method of washing a vehicle, classified in class 134, subclass 26.
  - V. Claims 22-33, drawn to a vehicle washing system, classified in class 134, subclass 172.
  - VI. Claims 34 and 35, drawn to a pressure nozzle, classified in class 239, subclass 463.
  - VII. Claims 36-41, drawn to a vehicle washing system, classified in class 134, subclass 123.
  - VIII. Claims 42-47, 53 and 54, drawn to a method of washing a vehicle, classified in class 134, subclass 18.
  - IX. Claim 48, drawn to a vehicle washing system, classified in class 134, subclass 123.
  - X. Claims 49-51, drawn to a method of washing a vehicle, classified in class 134, subclass 34.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of GROUP I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one not requiring a flexible non-extensible elongated member.
3. Inventions of GROUP I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP III has separate utility such as in a device not requiring a flexible non-extensible elongated member. See MPEP § 806.05(d).
4. Inventions of GROUP I and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one not requiring a flexible non-extensible elongated member
5. Inventions of GROUP I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of

GROUP V has separate utility such as in a device not requiring a flexible non-extensible elongated member. See MPEP § 806.05(d).

6. Inventions of GROUP I and VI are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the nozzle having a hollow interior and one or more fluid passageways are not needed for patentability. The subcombination has separate utility such as in a device for spraying insecticide.

7. Inventions of GROUP I and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP VII has separate utility such as in a device not requiring a flexible non-extensible elongated member. See MPEP § 806.05(d).

8. Inventions of GROUP I and VIII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another

materially different apparatus such as one not requiring a flexible non-extensible elongated member.

9. Inventions of GROUP I and IX are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one not requiring a flexible non-extensible elongated member.

10. Inventions of GROUP I and X are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one not requiring a flexible non-extensible elongated member.

11. Inventions of GROUP II and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice

another and materially different process such as one not requiring a platform capable of clockwise and counterclockwise pivotal movement.

12. Inventions of GROUP II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP IV has separate utility such as in a device not requiring a platform capable of clockwise and counterclockwise pivotal movement. See MPEP § 806.05(d).

13. Inventions of GROUP II and V are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as one not requiring a movable platform or gantry.

14. Inventions of GROUP II and VI are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as one not requiring a movable platform or gantry.

15. Inventions of GROUP II and VII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as one not requiring a platform capable of clockwise and counterclockwise pivotal movement.

16. Inventions of GROUP II and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP VIII has separate utility such as in a device not requiring a platform capable of clockwise and counterclockwise pivotal movement. See MPEP § 806.05(d).

17. Inventions of GROUP II and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP IX has separate utility such as in a device not requiring a platform capable of clockwise and counterclockwise pivotal movement. See MPEP § 806.05(d).

18. Inventions of GROUP II and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP X has separate utility such as in a device not requiring a platform capable of clockwise and counterclockwise pivotal movement. See MPEP § 806.05(d).



19. Inventions of GROUP III and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the case the apparatus as claimed can be used to practice another and materially different process such as one not requiring a first low-pressure fluid delivery conduit spanning the top section of the frame.

20. Inventions of GROUP III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention GROUP IV has separate utility such as in a device not requiring slow rotating nozzles emitting a fluid jet having a rotational rate of less than 1400rpm. See MPEP § 806.05(d).

21. Inventions of GROUP III and VI are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the nozzle having a hollow interior and one or more fluid passageways are not needed for patentability. The subcombination has separate utility such as in a device for spraying insecticide.

22. Inventions of GROUP III and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention GROUP III has separate utility such as in a device not requiring a first and second set of nozzles See MPEP § 806.05(d).

23. Inventions of GROUP III and VII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the case the apparatus as claimed can be used to practice another and materially different process such as one not requiring a first low-pressure fluid delivery conduit spanning the top section of the frame.

24. Inventions of GROUP III and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention GROUP III has separate utility such as in a device not requiring a first and second set of nozzles See MPEP § 806.05(d).

25. Inventions of GROUP III and X are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the case the apparatus as claimed can be used to practice

another and materially different process such as one not requiring a first low-pressure fluid delivery conduit spanning the top section of the frame.

26. Inventions of GROUP IV and V are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the case the apparatus as claimed can be used to practice another and materially different process such as one not requiring the application of a pre-soak solution.

27. Inventions of GROUP IV and VI are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the case the apparatus as claimed can be used to practice another and materially different process such as one not requiring the application of a pre-soak solution.

28. Inventions of GROUP IV and VII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the case the apparatus as claimed can be used to practice

another and materially different process such as one not requiring the application of a pre-soak solution.

29. Inventions of GROUP IV and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP VII has separate utility such as in a device not requiring the application of a pre-soak solution. See MPEP § 806.05(d).

30. Inventions of GROUP IV and IX are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the case the apparatus as claimed can be used to practice another and materially different process such as one not requiring the application of a pre-soak solution.

31. Inventions of GROUP IV and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP VII has separate utility such as in a device not requiring the application of a pre-soak solution. See MPEP § 806.05(d).

32. Inventions of GROUP V and VI are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for

patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the nozzle having a hollow interior and one or more fluid passageways are not needed for patentability. The subcombination has separate utility such as in a device for spraying insecticide.

33. Inventions of GROUP V and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP VII has separate utility such as in a device not requiring a spiraling fluid jet having a rotational rate of less than 1400 rpm. See MPEP § 806.05(d).

34. Inventions of GROUP V and VIII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the case the process as claimed can be practiced by another materially different apparatus such as in a device not requiring a spiraling fluid jet having a rotational rate of less than 1400 rpm.

35. Inventions of GROUP V and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of

GROUP IX has separate utility such as in a device not requiring a spiraling fluid jet having a rotational rate of less than 1400 rpm. See MPEP § 806.05(d).

36. Inventions of GROUP V and X are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the case the process as claimed can be practiced by another materially different apparatus such as in a device not requiring a spiraling fluid jet having a rotational rate of less than 1400 rpm.

37. Inventions of GROUP VI and VII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the nozzle having a hollow interior and one or more fluid passageways are not needed for patentability. The subcombination has separate utility such as in a device for spraying insecticide.

38. Inventions of GROUP VI and VIII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process.

(MPEP § 806.05(e)). In the case the process as claimed can be practiced by another materially different apparatus such as in a device not requiring a fluid passageway being configured to induce a fluid vortex.

39. Inventions of GROUP VI and IX are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the nozzle having a hollow interior and one or more fluid passageways are not needed for patentability. The subcombination has separate utility such as in a device for spraying insecticide.

40. Inventions of GROUP VI and XI are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the case the process as claimed can be practiced by another materially different apparatus such as in a device not requiring a fluid passageway being configured to induce a fluid vortex.

41. Inventions of GROUP VII and VIII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the

apparatus as claimed can be used to practice another and materially different process.

(MPEP § 806.05(e)). In the case the apparatus as claimed can be used to practice another and materially different process such as one not requiring a movable gantry.

42. Inventions of GROUP VII and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP VII has separate utility such as in a device not requiring a left and right tire stop. See MPEP § 806.05(d).

43. Inventions of GROUP VII and X are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one not requiring a first and second set of nozzles.

44. Inventions of GROUP VIII and IX are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one not requiring a first and second set of nozzles.



45. Inventions of GROUP VIII and X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention GROUP X has separate utility such as in a device not requiring a first and second set of nozzles. See MPEP § 806.05(d).

46. Inventions of GROUP IX and X are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one not requiring a left and right tire stop

47. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

48. Inventions of GROUP VIII and IX are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one not requiring a first and second set of nozzles.

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49. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

49. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

fls



FRANKIE L. STINSON  
Primary Examiner  
Art Unit 1746